

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

GREGORY MOSLEY

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Crim. No. 20-115-03

ORDER

On June 29, 2021, Defendant Gregory Mosely pled guilty to conspiracy to commit carjacking (Count 2), attempted armed carjacking and aiding and abetting (Count 10), and brandishing a firearm during and in relation to a crime of violence and aiding and abetting (Count 11). (Doc. Nos. 19, 103, 104); 18 U.S.C. § 371, 18 U.S.C. § 2119 and 2, 18 U.S.C. § 924(c) and 2. I accepted the plea.

On December 12, 2022, the Government filed an unopposed Motion to Dismiss Count 11 of the Indictment (Doc. No. 218), explaining that after United States v. Taylor, attempted carjacking can no longer serve as a predicate crime of violence. See Taylor, 142 S. Ct. 2015 (2022) (attempted Hobbs Act robbery is not a crime of violence). I will grant the Government's Motion.

Although the Parties apparently believe the guilty plea can stand, the dismissed Count notwithstanding, in an abundance of caution, I will vacate the plea. Assuming Defendant still wishes to plead guilty, he may do so pursuant to a new guilty plea agreement. Because a Presentence Investigation Report has already been prepared (and reviewed by me), if Defendant again pleads guilty, his sentencing can take place immediately after I accept the plea (assuming I do so).

AND NOW, this 16th day of December, 2022, upon consideration of the Government's unopposed Motion to Dismiss Count 11 of the Indictment (Doc. No. 218), it is hereby **ORDERED** that the Government's Motion (Doc. No. 218) is **GRANTED** as follows:

1. Count 11 of the Indictment (Doc. No. 19) is **DISMISSED** as to Defendant Gregory Mosley;
2. The Guilty Plea is **VACATED** and deemed **WITHDRAWN**;
3. Should Defendant indicate that he again wishes to plead guilty, a new guilty plea hearing will be held. Assuming I accept the plea, Probation will prepare a revised Presentence Investigation Report eliminating any discussion of Count 11;
4. Assuming I accept the guilty plea, Defendant's sentencing will follow immediately;
5. A guilty plea/sentencing hearing shall be set in a future Order.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.